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SUBJECT: LIBERIA: VOLUME I OF TRC REPORT PUBLISHED, ICGL
DISCUSSES ONGOING PROBLEMS

REF: 2008 MONROVIA 1064

Classified By: Ambassador Thomas-Greenfield for reasons 1.4 B and D.

11. (C) SUMMARY: The Truth and Reconciliation Commission (TRC) submitted Volume I of its Final Report to the GOL December 19 (reftel) and just recently made it public on its website (www.trcofliberia.org). The report included a list of the "most significant" warring factions (see paragraph 5) and two key recommendations for the future: 1) the establishment of special domestic court to try perpetrators recommended for prosecution, and 2) the creation of a "National Palava Hut Forum" to promote reconciliation at all levels. At their February 5 meeting, members of the International Contact Group on Liberia (ICGL), including us, were pleased the TRC managed to submit the report before the December 21 deadline to avoid possible legal challenges to its mandate (reftel). However, the ICGL remained concerned about several significant problems facing the Commission. First, although all eight TRC Commissioners signed off on the original report, three have since disassociated themselves from it. One of those three, Commissioner Shiekh Kafumba Konneh, is under investigation following allegations he was a recruiter for the ULIMO-K warring faction. Konneh may have helped his son-in-law, a TRC transcriber, steal a TRC laptop full of sensitive data and flee to New York; his son-in-law subsequently was granted asylum. Another dissenting Commissioner, Pearl Brown Bull, leaked to former warlord Prince Johnson a highly classified list of up to 180 names of perpetrators the TRC was considering recommending for prosecution. The ICGL agreed there are real risks to the physical security of the Commissioners and resolved to petition the President to ask the GOL to provide the TRC more protection. However, all ICGL members agreed that the biggest risks to the Commission now are the seemingly deliberate internal attempts by Konneh and Bull to undermine it. END SUMMARY.

VOLUME I: FINDINGS AND DETERMINATIONS

12. (U) The TRC submitted Volume I of its Final Report to the President and Legislature December 19, 2008 in order to avoid any potential legal challenges on the validity of the Commission's legal mandate (reftel). Volumes II-IV will be published in June 2009 at the end of the TRC's final Legislative extension. In Volume I, the TRC found that economic and political inequalities between the Americo-Liberian settlers and the indigenous people of Liberia dating back to 1822 sowed the seeds for the 1989-2003 conflict. Poverty, greed, ethnic tension, and land disputes, however, fueled the violence. External state actors in Africa, Europe, and North America aided and abetted the war in Liberia "for political, economic, and foreign policy advantages." The TRC found all warring factions used child soldiers, kept sexual slaves, and committed other human rights violations to the degree that each one violated domestic law, international criminal law, international human

rights law, and international humanitarian law, including war crimes violations. The Commission determined prosecutions are necessary to promote justice and reconciliation and to fight impunity, but said it would not recommend anyone for prosecution who truthfully admitted all his/her wrong-doing under oath. The TRC deemed reparations at the individual and community levels are needed to restore human dignity and declared there would be a general amnesty for all children and those who committed lesser crimes.

VOLUME I: RECOMMENDATIONS

¶3. (U) The TRC made two significant recommendations in Volume I. First, a special domestic court should be set up to prosecute the alleged perpetrators the TRC determines were responsible for "egregious" crimes, "gross" human rights violations, and "serious" violations of humanitarian law. In their February 5 meeting, International Contact Group on Liberia members were concerned about how the GOL would pay for such a court. The TRC's second recommendation was that the Independent National Human Rights Commission (INHRC) would manage a "National Palava Hut Forum" that will set up Palava Hut Committees in each of Liberia's 64 legislative districts and will promote reconciliation at the local level. Delegates from the local Palava Hut Committees would then represent their district at a National Reconciliation Conference aimed at fostering collective unity. The ICGL said it looked forward to details of how the "National Palava Hut Forum" would specifically lead to reconciliation in Volumes II-IV. (NOTE: The correct spelling of "Palava" is "Palaver" but the TRC uses the former spelling. END NOTE.)

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VOLUME I: LIST OF WARRING FACTIONS

¶4. (SBU) As noted in reftel, the Commissioners intentionally withheld the names of the perpetrators the TRC is considering recommending for prosecution from Volume I because they feared for the safety of TRC staff and their families. They did, however, publish a list of warring factions and divided them into "Significant Violator Groups" and "Less Significant Violator Groups" based upon the number of violations reported to the TRC. (NOTE: The quantity and types of violations were analyzed by the California-based human rights NGO Benetech through their DRL grant. Benetech's final report will become an annex to the TRC's final report when it is published in June. END NOTE.) The ICGL was pleased the list of warring factions was included and felt it constituted enough information in this initial report to withstand possible legal challenges by perpetrators after the December 21, 2008 deadline.

SIGNIFICANT VIOLATOR GROUPS:

National Patriotic Front of Liberia (NPFL)
Liberians United for Reconciliation and Democracy (LURD)
Liberia Peace Council (LPC)
Militia (NOTE: It is not clear to Post what this means. END NOTE.)
Movement for Democracy in Liberia (MODEL)
United Liberation Movement (ULIMO)
Armed Forces of Liberia (AFL)
United Liberation Movement-K (ULIMO-K)
Independent National Patriotic Front of Liberia (INPFL)
United Liberation Movement-J (ULIMO-J)
Anti-Terrorist Unit (ATU)

LESS SIGNIFICANT VIOLATOR GROUPS

Vigilantes
Lofa Defense Force (LDF)
Liberia National Police (LNP)
Special Operations Division of the LNP (SOD)
Revolutionary United Front (RUF)
Special Anti-Terrorist Unit (SATU)

Special Security Unit (SSU)
Special Security Service (SSS)
National Security Agency (NSA)
National Bureau of Investigation (NBI)
Criminal Investment Division (CID)
Rapid Response Unit (RRU)

PROBLEMS WITHIN THE COMMISSION

¶5. (C) All eight Commissioners originally signed off on Volume I of the report, but four Commissioners -- Vice Chairman Dede Dolopei, Rev. Gerald Coleman, Sheikh Kafumba Konneh, and Counselor Pearl Brown Bull, subsequently disassociated themselves from it. They felt the TRC should not have bowed to ICGL pressure to turn part of the report in by December 21 and instead should have completed the entire report at the end of the Commission's mandate in June 2009. Coleman, who has always been cooperative with the ICGL, has since abandoned his dissension and now agrees the Commission needed to turn in Volume I on time. Dolopei, Konneh, and Bull claim that, while they do not dispute the contents of the report, they never had a chance to submit their input. TRC Chairman Jerome Verdier, however, argues the three refused to be part of the drafting process all along. (COMMENT: Embassy notes that Dolopei, Konneh, and Bull have not been as engaged on the TRC as the other Commissioners and have had ongoing personality clashes with most of the TRC staff. END COMMENT.)

KONNEH POSSIBLY PART OF WARRING FACTION

¶6. (C) Four TRC witnesses have publicly testified that Commissioner Konneh recruited them to join the ULIMO-K warring faction. Konneh, who is the only Muslim member of the Commission and was selected to help show religious diversity on the TRC, denies ever working for ULIMO-K. President Sirleaf appointed a magistrate to investigate but he recently died of malaria and the investigation stalled. (COMMENT: Surprisingly, Konneh's possible connection with ULIMO-K never surfaced during the international community's vetting process of the Commissioners in 2004-2005. END COMMENT.)

¶7. (C) It now appears that Konneh may have helped his son-in-law Amara Kamara, a TRC transcriber, travel to America to claim asylum with a TRC laptop that may contain the

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evidence linking him to ULIMO-K. Verdier told PolOff that Amara Kamara was one of the TRC's brightest transcribers and they began a project in 2007 to track perpetrators whose names came up repeatedly in witness testimony. Verdier first became aware of Konneh's potential link with ULIMO-K through Kamara's work, but did not know at the time that Kamara was Konneh's son-in-law. Commissioners Konneh and Dolopei allegedly added Kamara to the TRC official delegation list to attend Diaspora hearings in Minnesota without Verdier's knowledge. Kamara was issued a visa for the trip, but he skipped out with his TRC laptop, which Verdier worries contains all the information Kamara had compiled on Konneh. Konneh claimed and was granted political asylum in New York, but Post only learned of his case when the Consular Section received a petition for his wife and child to join him. (COMMENT: It is believed that Konneh deliberately helped his son-in-law use the TRC hearings to travel to the States not only to immigrate to America, but also to cover up any trail that may have proved he was a ULIMO-K recruiter. END COMMENT.)

BULL LEAKED NAMES OF PURPETRATORS TO WARLORD

¶8. (C) Commissioner Bull has long been a problem personality among the TRC Commissioners, but her recent actions may put

all of the Commissioners' security at risk and may undermine the entire TRC process. Verdier told PolOff that just after Volume I was submitted to the Legislators, Bull leaked the classified list of up to 180 names of perpetrators the TRC is considering for prosecution to former Independent National Patriotic Front of Liberia warlord and current Senator Prince Johnson. Johnson publicly threatened that conflict will return to Liberia if prosecutions take place. Verdier told PolOff that Johnson had a photocopy of Bull's individually-numbered close-hold copy of the list.

¶9. (C) It appears Bull is now using her close personal connections with a Supreme Court Justice to get back at Verdier for confronting her about the leak to Johnson. Associate Supreme Court Justice Jamesetta Howard-Wolokolie, a personal friend of Bull's, made a bizarre decision January 28 to suspend Chairman Verdier from practicing law in Liberia for six months. Wolokolie alleges Verdier did not obey a court order to reinstate Bull after her suspension for holding office in two GOL Commissions (something specifically prohibited in the TRC Act). ICGL members recognize Verdier allowed Bull full rights as a Commissioner from the moment the order was issued (even though Bull never resigned from the other commission) and wonder if the ruling itself was not illegal. Verdier believes the suspension was unjustified but told PolOff he is too busy now as TRC Chairman to fight it and did not plan to practice law again for another six months anyway. (COMMENT: The ICGL sees Wolokolie's inexplicable ruling as proof the TRC would not be treated objectively at the Supreme Court if the Commission were ever legally challenged. END COMMENT.)

COMMISSIONERS' SECURITY AT RISK

¶10. (C) ICGL members are concerned about the physical security of the Commissioners, especially because the list of individual perpetrators has been leaked. The TRC asked the GOL for extra security last September but the GOL has yet to respond. The Commissioners have each been given \$500 out of the TRC's budget for 24-hour guards at their homes but that will only last for a few months. Several of the Commissioners have received threatening phone calls. Deputy Special Representative of the UN Secretary General Henrietta Mensa-Bonsu asked ICGL members to consider ways to formulate an "exit strategy" for the Commissioners, possibly by sending them to university in another country. The Ambassador suggested that ICGL members should first urge the President to provide the Commissioners better GOL-led security, which the ICGL agreed to do.

COMMENT

¶11. (C) The TRC deserves credit for turning in a comprehensive report to the President and Legislature before the December 21 deadline to avoid legal challenges. Volumes II-IV will hopefully provide more detail on the special domestic court and the National Palava Hut Forum, but Volume I at least provides a good outline of the TRC's recommendations should the Supreme Court reject the validity of the subsequent volumes. That Volume I is as good as it is is remarkable given the challenges the Commission, and particularly Chairman Verdier, are facing. All ICGL members

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agree the biggest threat to the TRC is undoubtedly internal, with Konneh and Bull having (unknown) personal vested interests in the Commission's failure. As evidenced by Wolokolie's order, Supreme Court rulings related to the TRC are unlikely to be objective. It is therefore crucial that the five trustworthy Commissioners double their efforts between now and the end of the TRC's mandate in June to write a meaningful report. Volumes II-IV must be contain coherent recommendations that can be implemented by the Independent National Human Rights Commission, withstand legal challenges,

and, most importantly, inspire reconciliation among the
Liberian people who want a better future for their country.
THOMAS-GREENFIELD